

Dkt. #850-PCT-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John H. HEALEY and Gene R. DIRESTA
U.S. Serial No. : 09/890,116 Art Unit: 1614
Filing Date : July 16, 2001 Examiner: Donna A. Jagoe
For : ANTI-RESORPTIVE BONE CEMENTS AND
ALLOGENEIC, AUTOGRAFIC, AND XENOGRAFIC
BONE GRAFTS

Law Offices of Albert Wai-Kit Chan, LLC
World Plaza, Suite 604
141-07 20th Avenue
Whitestone, New York 11357

February 27, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMUNICATION TO AMEND APPLICANTS' ATTORNEY'S NAME, MAILING
ADDRESS, CONTACT NUMBERS AND ATTORNEY DOCKET NUMBER

Applicants hereby file this Communication to Change Applicants' Attorney Name, Mailing Address and Attorney Docket Number with the United States Patent Trademark Office.

The attached February 17, 2004 Interview Summary between Examiner Donna A. Jagoe and Albert Wai-Kit Chan, Attorney for Applicants, issued by the United States Patent and Trademark Office on February 19, 2004 was addressed to Jones Day, former Attorney for Applicants, instead of to the Law Offices of Albert Wai-Kit Chan, LLC, the current Applicants' Attorney. A copy of the February 17, 2004 Interview Summary is hereto attached as Exhibit A, 3 pages.

The responsibility for the prosecution of the above-identified application, as well as other United States patent

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applications involving the same two (2) inventors, namely, John H. HEALEY and Gene R. DIRESTA, were transferred to the Law Offices of Albert Wai-Kit Chan, LLC on January 22, 2004. Accordingly, a Revocation and Appointment of the Power of Attorney documents, signed by the two (2) inventors were prepared for submission to the United States Patent and Trademark Office. During a telephone conversation between Farieza Juman in Applicants' Attorney's office and Examiner Mark Han, United States Patent and Trademark Office, on February 18, 2004, Farieza Juman informed the Examiner that she wanted to send him the Revocation and Appointment of the Power of Attorney since he was the Examiner assigned to the applications. Examiner Mark Han instructed Farieza Juman to send the Revocation and Appointment of the Power of Attorney to Facsimile Number (703) 872-9306, a central fax machine at the United States Patent and Trademark Office and not to the Examiner assigned to each application. Following Examiner Mark Han's telephone instructions three Revocation and Appointment of the Power of Attorney documents were sent via facsimile to (703) 872-9306. Applicants hereby attach a copy of the Revocation and Appointment of the Power of Attorney with the Facsimile Cover Sheet and Confirmation of Receipt from the United States Patent and Trademark Office as Exhibit B, 7 pages.

Further, the Applicants' Attorney's Docket Number should be amended in connection with the above-identified application to: 850-PCT-US

Applicants respectfully request that Albert Wai-Kit Chan, be acknowledged as the Attorney representing the Applicants in the prosecution of the above-identified application, that the mailing address be updated in the United States Patent and Trademark Office's records system and all future

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correspondence in connection with the above-identified application be forwarded to the Applicants' Attorney's office:

Albert Wai-Kit Chan
Law Offices of Albert Wai-Kit Chan, LLC
World Plaza, Suite 604
141-07 20th Avenue
Whitestone, New York 11365
Tel: (718) 357-8836
Fax: (718) 357-8615

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone at the number provided below.

No fee is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891.

Respectfully submitted,

Albert Wai-Kit Chan

Albert Wai-Kit Chan
Registration No. 36,479
Attorney for Applicants
Law Offices of
Albert Wai-Kit Chan, LLC
World Plaza, Suite 604
141-07 20th Avenue
Whitestone, New York 11357
Tel: (718) 357-8836
Fax: (718) 357-8615
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Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

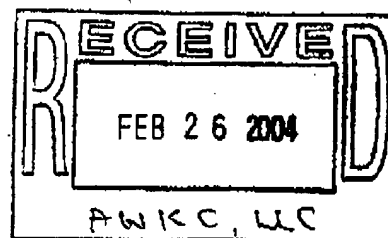
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,116	11/20/2001	John H. Hsaley	9958-004-999	6037
20583	7590	02/19/2004	EXAMINER	
JONES DAY 222 EAST 41ST STREET NEW YORK, NY 10017			JAGOE, DONNA A.	
			ART UNIT	PAPER NUMBER
			1614	

DATE MAILED: 02/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Interview Summary	Application No.	Applicant(s)	
	09/890,116	HEALEY ET AL.0	
	Examiner	Art Unit	
	Donna Jagoe	1614	

All participants (applicant, applicant's representative, PTO personnel):

(1) Donna Jagoe. (3) _____

(2) Albert Chan. (4) _____

Date of Interview: 17 February 2004.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: 38-76.

Identification of prior art discussed: US 4,341,691; US 5,733,564; US 6,21,4049; US 6,238,687.

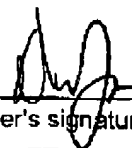
Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: discussed any changes to the claims that would put them in condition for allowance.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiner's Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner.
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Exhibit B

Auto-Reply Facsimile Transmission



TO: Fax Sender at 7183578615

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Received
Cover
Page

=====>

02/18/2004 04:17	7183578615	LAW OFFICE OF ALBERT	PAGE 01
Law Offices of Albert Wai-Kit Chan, LLC World Plaza, Suite 504, 141-07 27 th Avenue - Whitestone, NY 11357 Tel: (718) 357-8936 Fax: (718) 357-8615 e-mail: kitchan@earthlink.net			
FACSIMILE TRANSMISSION			
PLEASE DELIVER THE FOLLOWING PAGES			
TO:	:	UNITED STATES PATENT & TRADEMARK OFFICE	
COMPANY:	:	UNITED STATES PATENT & TRADEMARK OFFICE	
FAX NO.:	:	(703) 872-9306	
FROM:	:	ALBERT WAI-KIT CHAN	
DOCKET:	:	U.S. PATENT NO. 6,547,777 ISSUED APRIL 15, 2003, FORMERLY U.S. SERIAL NO. 09/784,132, FILED FEBRUARY 16, 2001, CLAIMING PRIORITY OF U.S. SERIAL NO. 60/183,150 FILED FEBRUARY 17, 2000 - OUR DKT. #849-112	
	:	U.S. SERIAL NO. 10/272,415 FILED FEBRUARY 24, 2002, DIVISIONAL OF U.S. SERIAL NO. 09/784,132, FILED ON FEBRUARY 16, 2001, WHICH CLAIMS BENEFIT OF U.S. SERIAL NO. 60/183,150, FILED ON FEBRUARY 17, 2000 - OUR DKT. #849-2	
	:	U.S. SERIAL NO. 09/890,116 FILED JULY 16, 2001, CORRESPONDING TO INTERNATIONAL APPLICATION NO. PCT/US00/01283, FILED FEBRUARY 9, 2000, CLAIMING PRIORITY OF U.S. SERIAL NO. 60/118,260 FILED FEBRUARY 9, 1999 - OUR DKT. #850-PCT-US	
TOTAL NUMBER OF PAGES, INCLUDING COVER SHEET:	:	11	
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TEL : 7183578836
SER.# : BROK3J755633

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TO : _____

COMPANY : UNITED STATES PATENT & TRADEMARK OFFICE

FAX NO. : (703) 872-9306

FROM : ALBERT WAI-KIT CHAN

DOCKET : U.S. PATENT NO. 6,547,777 ISSUED APRIL 15, 2003,
FORMERLY U.S. SERIAL NO. 09/784,132, FILED
FEBRUARY 16, 2001, CLAIMING PRIORITY OF U.S.
SERIAL NO. 60/183,150, FILED FEBRUARY 17, 2000
- OUR DKT. #849-US

U.S. SERIAL NO. 10/372,435, FILED FEBRUARY 24,
2003, DIVISIONAL OF U.S. SERIAL NO. 09/784,132,
FILED ON FEBRUARY 16, 2001, WHICH CLAIMS
BENEFIT OF U.S. SERIAL NO. 60/183, 150, FILED ON
FEBRUARY 17, 2000 - OUR DKT. 3 849-Z

U.S. SERIAL NO. 09/890,116, FILED JULY 16, 2001,
CORRESPONDING TO INTERNATIONAL
APPLICATION NO. PCT/US00/03285, FILED
FEBRUARY 9, 2000, CLAIMING PRIORITY OF U.S.
SERIAL NO. 60/119,260, FILED FEBRUARY 9, 1999 -
OUR DKT. #850-PCT-US

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DiResta, et al

Page 2

Message

Attached please find the Revocation and Appointment of the Power of Attorney for the above-identified applications.

Please confirm receipt of this facsimile via return facsimile or e-mail

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS TRANSMISSION MAY CONTAIN INFORMATION THAT IS CONFIDENTIAL UNDER THE CLIENT AND ATTORNEY RELATIONSHIP. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR AND THAT ANY REVIEW, DISTRIBUTION, OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.